

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

KIMBERLY M. ROSE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action File No.
)	5:18-cv-00231-TES
CHRISTIAN R. LIVINGSTON,)	
)	
)	TRIAL BY JURY OF TWELVE
Defendant.)	DEMANDED

**DEFENDANT CHRISTIAN R. LIVINGSTON’S DEPOSITION PAGE AND
LINE DESIGNATIONS AND OBJECTIONS TO PLAINTIFF’S
DEPOSITION PAGE AND LINE DESIGNATIONS**

NOW COMES Christian R. Livingston (hereinafter “Defendant”), and files her Deposition Page and Line Designations and Objections to Plaintiff’s Deposition Page and Line Designations, showing this Honorable Court as follows:

Counsel for Defendant worked collaboratively with Counsel for Plaintiff to identify the portions of Dr. Robert Chapdelaine’s deposition that each side would want to present at trial. Counsel also worked to resolve any potential objections prior to Plaintiff’s filing of her Deposition Page and Line Designations. Plaintiff’s Deposition Page and Line Designation includes much of Defense Counsel’s cross-examination of Dr. Chapdelaine, as agreed by the parties. Defendant therefore

adopts Plaintiff's Deposition Page and Line Designations, except as objected to below.

Defendant objects to the presentation of the testimony located at Page 33, Line 1 through Page 33, Line 7 and Page 33, Line 12 through Page 33, Line 19 of Dr. Chapdelaine's deposition. As shown at Page 33, Lines 8-9, Counsel for Defendant objected to Plaintiff's questioning at Page 33, lines 1-6 on the grounds that it had been asked and answered on Page 27, line 5 through Page 29, Line 11. Dr. Chapdelaine gave a comprehensive answer to Plaintiff's counsel's initial question and, after a short break, Plaintiff's counsel repeated the same question and elicited the same, although shorter, response. This is duplicative testimony and should be excluded on the grounds that the question had been asked and answered.

Defendant objects to the presentation of the testimony located at Page 43, Line 13 through Page 43, Line 24 and Page 47, Line 17 through Page 49, Line 9 of Dr. Chapdelaine's deposition. Defendant has filed a Motion *in Limine* showing that Dr. Chapdelaine is not qualified to opine that this accident caused Plaintiff to sustain a pulmonary embolism. Defendant expressly adopts, by reference, the argument and citation to authority contained within that Motion *in Limine* as if fully contained herein. Because Dr. Chapdelaine is utterly unqualified to offer any causation testimony regarding the pulmonary embolism, the above-cited testimony should be excluded at trial. In the event that Defendant's Motion *in Limine* is denied,

Defendant expressly requests that Defense Counsel's cross-examination of Dr. Chapdelaine located at Page 47, Line 17 through Page 49, Line 9 be admitted.

Respectfully submitted this 8th day of October, 2020.

McGREW MILLER BOMAR & BAGLEY, LLC

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing pleading upon all parties via CM/ECF and by depositing in US Mail, addressed to counsel of record as follows:

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This 8th day of October, 2020.

McGREW MILLER BOMAR & BAGLEY, LLC

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